REGULATION §20.2033-1 AND
PH EXPLANATION OF SECTION 2033 OF THE INTERNAL REVENUE CODE

REGULATION §20.2033-1

Internal Revenue Code Regulation §20.2033-1 (TD 6296, filed 6-23-58; amended by TD 6684, filed 10-23-63). Property in which the decedent had an interest (a) In general. The gross estate of a decedent who was a citizen or resident of the United States at the time of his death includes under section 2033 the value of all property, whether real or personal, tangible or intangible, wherever situated beneficially owned by the decedent at the time of his death....

PH EXPLANATION OF SECTION 2033 OF THE INTERNAL REVENUE CODE

120,330: Sec. 2033 [120,331] includes in the gross estate the value of ownership is a vital factor in determining its tax status under this section. Generally, local property law controls the issue of ownership for tax purposes.

However, in U.S. v. Chandler, the U.S. Supreme Court said that the Federal regulations may pre-empt inconsistent state property law, as in the determining the effectiveness of transfer of jointly held U.S. Series E Bonds. In Comm. v. Bosch's Est., the U.S. Supreme Court said that a Federal court is conclusively bound by a State court's adjudication of what the property rights under state law are only if it is the highest court of the State. See 120,334.

CERTIFICATE OF SERVICE

I hereby certify that on June 11, 1994, triplicate true and correct copies of the annexed Petition for Writ of Certiorari with required supporting papers were served by overnight mail (Federal Express) to Respondent's attorney in triplicate at upon:

G. Robson Stewart
Tax Division
Dept. of Justice
10th and Constitution NW
Room 4324
Washington, D.C. 20530

with an additional copy sent to:
Solicitor General
Department of Justice
Washington, D.C. 20530

Date: June 10, 1994

Victoria M. Brown

Victoria M. Brown, Esq.